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March 31, 2008

VIA FACSIMILE

Hon. Michael H. Dolinger
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 1670
New York, NY 10007

Re: Steve Yu v. New York City Housing Development
Corporation and Pellegrino Mariconda
Civ. Action No.: 07 Civ. 5541(GBD)(MHD)

Dear Judge Dolinger:

We represent Defendants New York City Housing Development Corporation ("HDC") and Pellegrino Mariconda ("Mr. Mariconda") in the above-captioned matter. We write to request your assistance with Plaintiff's discovery responses and the deposition schedule for Plaintiff's witnesses. Plaintiff is proceeding pro se.

Pursuant to your Honor's Order, filed on March 7, 2008, the parties exchanged their discovery responses on March 26, 2008. Plaintiff sent his responses via electronic mail only. Although Plaintiff never requested our permission and our office never consented to service by electronic mail only, out of a courtesy to the Plaintiff pro se we did not contest service in this manner. Plaintiff, however, took advantage of our courtesies and sent us his responses in a password protected document that is not printable. We have notified Plaintiff separately of the deficiencies in his discovery response, including his failure to produce any documents in response to Defendants' requests. Although we promptly requested on March 27, 2008, that Plaintiff either provide us with the password for his responses or provide us with his responses in a printable format, Plaintiff failed to do either, making it extremely difficult to review his discovery response and to prepare for Plaintiff's deposition, which is scheduled for next Wednesday, April 9, 2008. Rather, at midnight on Sunday, March 30, 2008, Plaintiff responded that he would try to fix the software and then send us a printable PDF.

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ENDORSED ORDER

In the event that plaintiff
does not decide to do so, he
is to provide redacted responses
to the discovery requests of defendants
and he must do so this week.
As for depositions, if plaintiff
fails to cooperate in their
scheduling, he may waive his
right to conduct them. He is to
contact defendants' attorney promptly
to schedule them.

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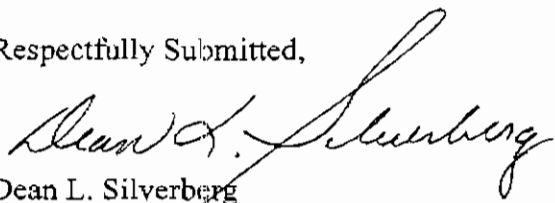
Hon. Michael H. Dolinger
March 31, 2008
Page 2

We also write to request your Honor's assistance with the deposition schedule. Further to your Honor's direction at the March 6, 2008 Pre-Trial Conference, the Defendants provided Plaintiff with the dates of availability or contact information for the witnesses Plaintiff indicated that he wished to depose, with one exception. As regards this deponent, we are still seeking the availability of this former employee for whom we have been authorized to accept service.

The Defendants have sent three separate written requests to Plaintiff asking that he designate specific dates from those supplied by Defendants as directed by the Court, to depose the witnesses, based upon their availability. To date, Plaintiff has refused to schedule any depositions or even indicate his availability on any of the proposed dates.

Inasmuch as the discovery end date in this matter is April 30, 2008, we respectfully request a teleconference with the Court and the Plaintiff to discuss his discovery responses, as well as the deposition schedule.

Respectfully Submitted,


Dean L. Silverberg

cc: Mr. Steve Yu, *Pro Se Plaintiff* (via e-mail)